

1 M. PATRICIA THAYER (SBN 90818)  
2 pthayer@sidley.com  
3 AARON R. BLEHARSKI (SBN 240703)  
4 ableharski@sidley.com  
5 SIDLEY AUSTIN LLP  
555 California Street  
6 San Francisco, California 94104  
7 Telephone: (415) 772-1200  
8 Facsimile: (415) 772-7400

9 SANDRA S. FUJIYAMA (SBN 198125)  
10 sfujiyama@sidley.com  
11 SAMUEL N. TIU (SBN 216291)  
12 stiu@sidley.com  
13 TASHICA T. WILLIAMS (SBN 256449)  
14 ttwilliams@sidley.com  
15 SIDLEY AUSTIN LLP  
16 555 West Fifth Street, Suite 4000  
17 Los Angeles, California 90013  
18 Telephone: (213) 896-6000  
Facsimile: (213) 896-6600

19 ROBERT A. VAN NEST (SBN 84065)  
20 rvannest@kvn.com  
21 ASHOK RAMANI (SBN 200020)  
22 aramani@kvn.com  
23 NIKKI K. VO (SBN 239543)  
24 nvo@kvn.com  
25 SARA B. FAULKNER (SBN 263857)  
26 sfaulkner@kvn.com  
27 KEKER & VAN NEST LLP  
28 710 Sansome Street  
San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
Facsimile: (415) 397-7188

19 Attorneys for Plaintiff  
20 GENENTECH, INC.

21 GARY N. FRISCHILING (SBN 130583)  
22 gfrischiling@irell.com  
23 JASON SHEASBY (SBN 205455)  
24 jsheasby@irell.com  
25 THOMAS JACKMAN (SBN 267504)  
tjackman@irell.com  
IRELL & MANELLA LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276  
Telephone: (310) 277-1010  
Facsimile: (310) 203-7199

26 SANDRA HABERNY, PHD (SBN 260977)  
27 shaberny@irell.com  
28 IRELL & MANELLA LLP  
840 Newport Center Drive, Suite 400  
Newport Beach, California 92660-6324  
Telephone: (949) 760-0991  
Facsimile: (949) 760-5200

29 Attorneys for Defendant  
30 THE TRUSTEES OF THE UNIVERSITY OF  
31 PENNSYLVANIA

32  
33 **UNITED STATES DISTRICT COURT**  
34  
35 **NORTHERN DISTRICT OF CALIFORNIA**  
36  
37 **SAN JOSE DIVISION**



1 WHEREAS defendant the Trustees of the University of Pennsylvania ("the University") and  
2 plaintiff Genentech, Inc. ("Genentech") have met and conferred regarding the use of technical expert  
3 testimony in connection with claim construction in this matter;

4 THE PARTIES THEREFORE AGREE as follows:

- 5 1. The parties will meet and confer by Tuesday, December 14, 2010, to further explain  
6 the technical expert subjects to be addressed by each party.
- 7 2. The parties will simultaneously exchange technical expert declarations on January 7,  
8 2011.
- 9 3. The depositions of the technical experts will be conducted thereafter and will be  
10 concluded by February 4, 2010.
- 11 4. The parties jointly request that the Court reset the filing date for the Joint Claim  
12 Construction and Prehearing Statement, currently December 21, 2010, to January 7,  
13 2011.
- 14 5. The parties will not call technical experts at the Markman hearing to give live  
15 testimony, unless the Court so requests.
- 16 6. The remaining dates set by the Court in the initial case management order or in  
17 subsequent orders should remain unchanged.

1 SO STIPULATED:

2  
3 Respectfully submitted,

4 Dated: December 8, 2010

5 SIDLEY AUSTIN LLP

6

7 By: \_\_\_\_\_ /s/  
8 M. PATRICIA THAYER

9 Attorneys for Plaintiff GENENTECH, INC.

10 Dated: December 8, 2010

11 IRELL & MANELLA LLP

12 By: \_\_\_\_\_ /s/  
13 GARY N. FRISCHILING<sup>1</sup>

14 Attorneys for Defendants THE TRUSTEES OF  
15 THE UNIVERSITY OF PENNSYLVANIA.

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27 <sup>1</sup> Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the  
28 document has been obtained from Gary N. Frischling.

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The filing date for the Joint Claim Construction and Prehearing Statement, currently set for December 21, 2010, is reset for January 7, 2011.

SO ORDERED.

Dated: December 10, 2010

*Lucy H. Koh*  
LUCY H. KOH  
United States District Judge